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A Professional Corporation
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5 Attorneys for E. Lynn Schoenmann, Trustee

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8 IN THE UNITED STATES BANKRUPTCY COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 In re	Case No. 09-33485-DM
12 TERRY L. HOPKINS,	Chapter 7
13 Debtor.	

14 **DECLARATION OF DANIEL M. LINCHEY IN**
15 **SUPPORT OF MOTION FOR ENTRY OF DEFAULT**
16 **RE ABANDONMENT OF REAL PROPERTY**

17 I, Daniel M. Linchey, declare as follows:

18 1. I am an attorney licensed to practice law in all courts of the State of California, and am
19 a member of the law firm of Goldberg, Stinnett, Davis & Linchey, A Professional Corporation,
20 counsel for E. Lynn Schoenmann, Trustee, and in such capacity, I am personally familiar with each
21 of the facts stated herein, to which I could competently testify if called upon to do so in a court of
22 law.

23 2. E. Lynn Schoenmann, trustee herein ("Trustee"), wishes to abandon any interest that
24 the estate has in the real property commonly known as 1949 Rockville Road, Fairfield, CA 94534
25 ("Real Property"). Wells Fargo Bank, the creditor secured against the Real Property, has moved for
26 relief from the automatic stay to foreclose on the Real Property. In that motion, the secured creditor
27 alleges that, based on an appraisal of November 10, 2009, the value of the Real Property is
28 \$812,000.00. The approximate balance due on the secured debt against the Real Property is

1 \$862,000.00. Therefore, there is no equity in the property for the estate. The Trustee is informed and
2 believes that the Debtor purchased the Real Property in or before the year 1997 and therefore there
3 may be a low tax basis in the Real Property. As a result, any foreclosure of the Real Property while it
4 is property of the bankruptcy estate may create adverse tax consequences for the estate.

5 3. In order to obtain Court approval of said abandonment on January 13, 2010, I prepared
6 and caused to be filed the Trustee's Motion To Abandon Real Property ("Motion") and further
7 prepared and caused to be filed the Notice Of Trustee's Abandonment Of Real Property ("Notice")
8 which was served on all creditors listed on the creditor's matrix, the United States Trustee and other
9 parties in interest. True and correct copies of the Motion and the Notice are attached hereto as
10 **Exhibits "A" and "B"** respectively and incorporated herein by this reference.

11 4. No objections or requests for a hearing have been filed with the Court or received by
12 this office from anyone.

13 I declare under penalty of perjury that the foregoing is true and correct, and that this
14 declaration was executed on February 10, 2010 at San Francisco, California.

15 /s/ DANIEL M. LINCHEY
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